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Paper No.

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COPY MAILED

SEP 25 2006

OFFICE OF PETITIONS

In re Patent No. 7,027,178 : LETTER REGARDING
Issue Date: April 11, 2006 : PATENT TERM ADJUSTMENT
Application No. 10/756,772 : AND
Filed: January 14, 2004 : NOTICE OF INTENT TO ISSUE
Atty Docket No. 00862.021896.1: CERTIFICATE OF CORRECTION

This letter is in response to the "COMMENTS ON DETERMINATION OF PATENT TERM ADJUSTMENT" filed June 5, 2006. Pursuant to patentees' duty of good faith and candor to the Office, patentees indicate that the Patent Term Adjustment shown in the PAIR system appears to indicate an incorrect number.

The request for reconsideration of patent term adjustment indicated in the patent is GRANTED.

The patent term adjustment indicated in the patent is to be corrected by issuance of a certificate of correction showing a revised Patent Term Adjustment of one hundred seventy-four (174) days.

On April 11, 2006, this application matured into U.S. Patent No. 7,027,178, with a revised patent term adjustment of 206 days. Patentees disclose no basis for their assertion that the patent term adjustment may be incorrect.

Nonetheless, a review of the application history reveals bases for entry of periods of reduction for applicant delay, pursuant to 37 CFR 1.704(c)(10). This rule provides that:

Circumstances that constitute a failure of the applicant to engage in reasonable efforts to conclude processing or examination of an application also include the following circumstances, which will result in the following reduction of the period of adjustment set forth in § 1.703 to the extent that the periods are not overlapping:

Submission of an amendment under § 1.312 or other paper after a notice of allowance has been given or mailed, in which case the period of adjustment set forth in § 1.703 shall be reduced by the lesser of:

- (i) The number of days, if any, beginning on the date the amendment under § 1.312 or other paper was filed and ending on the mailing date of the Office action or notice in response to the amendment under § 1.312 or such other paper; or
- (ii) Four months;

The Notice of Allowance was mailed on October 12, 2005. Two papers were filed thereafter, an Information Disclosure Statement (IDS) on December 6, 2006 and a letter on April 4, 2006. The IDS was not expressly requested by the examiner and did not include a § 1.704(d) statement. The letter filed April 4, 2006 is not of the type the Director does not consider to be a failure to engage in reasonable efforts to conclude processing or examination of an application. See *Clarification of 37 CFR 1.704(c)(10) - Reduction of Patent Term Adjustment for Certain Types of Papers Filed After a Notice of Allowance has been Mailed*, 1247 Off. Gaz. Pat. Office 111 (June 26, 2001); See MPEP 2732. The Office acted in response to the IDS on December 29, 2006 and the patent issued on April 11, 2006. Thus, the periods of reduction are 24 days for the period beginning on the date the IDS was filed, December 6, 2006 to the date the Office took action in response, December 29, 2006, and 8 days for the period beginning on the date the letter was filed, April 4, 2006, to the date the patent issued, April 11, 2006.

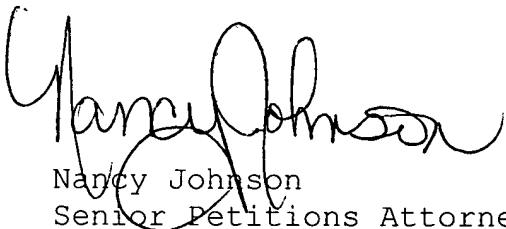
In view thereof, the patent should have issued with a revised patent term adjustment of one hundred seventy-four (174) days.

As this letter was submitted as an advisement to the Office of an error in Patentees' favor, the Office will not assess the \$200.00 application fee under 37 CFR 1.705(d). The Office

thanks patentees for their good faith and candor in bringing this to the attention of the Office.

The application file is being forwarded to the Certificates of Correction Branch for issuance of a certificate of correction in order to rectify this error. The Office will issue a certificate of correction indicating that the term of the above-identified patent is extended or adjusted by one hundred seventy-four (174) days.

Telephone inquiries specific to this matter should be directed to the undersigned at (571) 272-3219.

A handwritten signature in black ink, appearing to read "Nancy Johnson". The signature is fluid and cursive, with the first name "Nancy" written in a larger, more prominent script than the last name "Johnson".

Nancy Johnson
Senior Petitions Attorney
Office of Petitions

Enclosure: Copy of DRAFT Certificate of Correction

UNITED STATES PATENT AND TRADEMARK OFFICE
CERTIFICATE OF CORRECTION

PATENT : 7,027,178 B2

DATED : April 11, 2006

INVENTOR(S) : Satomi et al.

It is certified that error appears in the above-identified patent and that said Letters Patent is hereby corrected as shown below:

On the cover page,

[*] Notice: Subject to any disclaimer, the term of this patent is extended or adjusted under 35 USC 154(b) by (206) days

Delete the phrase "by 206" and insert – by 174 days--